

(PRE-FILED)

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By: **Delegates Impallaria and McDonough**  
Requested: October 10, 2003  
Introduced and read first time: January 14, 2004  
Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Motor Vehicles - Prohibition against Permitting Person Not Lawfully**  
3 **Present in United States to Drive**

4 FOR the purpose of prohibiting a person from knowingly permitting a motor vehicle  
5 owned by the person to be driven by an individual that the person knows is not  
6 lawfully admitted into or otherwise lawfully present in the United States;  
7 establishing penalties for violation of this Act, including forfeiture of the motor  
8 vehicle used in the violation under certain circumstances; requiring the Motor  
9 Vehicle Administration to suspend the driver's license of a person convicted  
10 under this Act for a certain period; directing proceeds from the sale or  
11 conveyance of a motor vehicle forfeited under this Act to be deposited in the  
12 Criminal Injuries Compensation Fund; adding a violation of this Act to the  
13 definition of a crime for which certain victims may apply for compensation from  
14 the Criminal Injuries Compensation Fund; and generally relating to the  
15 prohibition against permitting a person not lawfully present in the United  
16 States to drive a motor vehicle.

17 BY repealing and reenacting, with amendments,  
18 Article - Criminal Procedure  
19 Section 11-801  
20 Annotated Code of Maryland  
21 (2001 Volume and 2003 Supplement)

22 BY adding to  
23 Article - Transportation  
24 Section 16-205.3, 16-306, and 27-101(w)  
25 Annotated Code of Maryland  
26 (2002 Replacement Volume and 2003 Supplement)

27 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
28 MARYLAND, That the Laws of Maryland read as follows:

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**Article - Criminal Procedure**

2 11-801.

3 (a) In this subtitle the following words have the meanings indicated.

4 (b) "Board" means the Criminal Injuries Compensation Board.

5 (c) "Claimant" means the person filing a claim under this subtitle.

6 (d) (1) "Crime" means:

7 (i) except as provided in paragraph (2) of this subsection, a  
8 criminal offense under state, federal, or common law that is committed in:

9 1. this State; or

10 2. another state against a resident of this State; or

11 (ii) an act of international terrorism as defined in Title 18, § 2331 of  
12 the United States Code that is committed outside of the United States against a  
13 resident of this State.14 (2) "Crime" does not include an act involving the operation of a vessel or  
15 motor vehicle unless the act is:16 (i) a violation of [§ 20-102, § 20-104, § 21-902, or § 21-904] §  
17 16-306, § 20-102, § 20-104, § 21-902, OR § 21-904 of the Transportation Article; or18 (ii) operating a motor vehicle or vessel that results in an intentional  
19 injury.

20 (e) "Dependent" means:

21 (1) a surviving spouse or child of a person; or

22 (2) a person who is dependent on another person for principal support.

23 (f) "Victim" means a person:

24 (1) who suffers physical injury or death as a result of a crime or  
25 delinquent act;

26 (2) who suffers psychological injury as a direct result of:

27 (i) a fourth degree sexual offense or a delinquent act that would be  
28 a fourth degree sexual offense if committed by an adult;29 (ii) a felony or a delinquent act that would be a felony if committed  
30 by an adult; or

1 (iii) physical injury or death directly resulting from a crime or  
2 delinquent act; or

3 (3) who suffers physical injury or death as a direct result of:

4 (i) trying to prevent a crime or delinquent act or an attempted  
5 crime or delinquent act from occurring in the person's presence;

6 (ii) trying to apprehend an offender who had committed a crime or  
7 delinquent act in the person's presence or had committed a felony or a delinquent act  
8 that would be a felony if committed by an adult; or

9 (iii) helping a law enforcement officer in the performance of the  
10 officer's duties or helping a member of a fire department who is being obstructed from  
11 performing the member's duties.

12 **Article - Transportation**

13 16-205.3.

14 (A) THE ADMINISTRATION SHALL SUSPEND FOR 1 YEAR THE LICENSE OF ANY  
15 PERSON WHO HAS BEEN CONVICTED UNDER § 16-306 OF THIS TITLE OF KNOWINGLY  
16 PERMITTING A MOTOR VEHICLE OWNED BY THE PERSON TO BE DRIVEN ON A  
17 HIGHWAY BY AN INDIVIDUAL THAT THE PERSON KNOWS IS NOT LAWFULLY  
18 ADMITTED INTO OR OTHERWISE LAWFULLY PRESENT IN THE UNITED STATES.

19 (B) WHEN A SUSPENSION IMPOSED UNDER SUBSECTION (A) OF THIS SECTION  
20 EXPIRES, THE ADMINISTRATION IMMEDIATELY SHALL RETURN THE LICENSE OR  
21 REINSTATE THE PRIVILEGE OF THE DRIVER, UNLESS THE LICENSE OR PRIVILEGE  
22 HAS BEEN REFUSED, REVOKED, SUSPENDED, OR CANCELLED UNDER ANY OTHER  
23 PROVISIONS OF THE MARYLAND VEHICLE LAW.

24 16-306.

25 A PERSON MAY NOT KNOWINGLY PERMIT A MOTOR VEHICLE OWNED BY THE  
26 PERSON TO BE DRIVEN ON A HIGHWAY BY AN INDIVIDUAL THAT THE PERSON KNOWS  
27 IS NOT LAWFULLY ADMITTED INTO OR OTHERWISE LAWFULLY PRESENT IN THE  
28 UNITED STATES.

29 27-101.

30 (W) (1) ANY PERSON WHO IS CONVICTED OF A VIOLATION OF § 16-306 OF  
31 THIS ARTICLE IS SUBJECT TO A FINE OF NOT MORE THAN \$500.

32 (2) (I) IN ADDITION TO THE FINE ASSESSED UNDER PARAGRAPH (1) OF  
33 THIS SUBSECTION, ON CONVICTION OF A VIOLATION OF § 16-306 OF THIS ARTICLE,  
34 THE COURT SHALL ORDER THAT THE MOTOR VEHICLE USED IN THE VIOLATION BE  
35 FORFEITED TO THE STATE.

1                   (II)     IF A COURT ORDERS FORFEITURE UNDER SUBPARAGRAPH (I)  
2 OF THIS PARAGRAPH, THE INTEREST TRANSFERRED TO THE STATE IS SUBORDINATE  
3 TO THE HOLDER OF A PERFECTED SECURITY INTEREST IN THE MOTOR VEHICLE.

4                   (III)    AFTER DISCHARGING ANY PERFECTED SECURITY INTEREST IN  
5 A MOTOR VEHICLE FORFEITED UNDER THIS PARAGRAPH, THE SECRETARY OF STATE  
6 POLICE SHALL SELL OR CONVEY THE FORFEITED MOTOR VEHICLE.

7                   (IV)    AFTER PAYING ALL PROPER EXPENSES OF THE PROCEEDINGS  
8 FOR FORFEITURE AND SALE, INCLUDING EXPENSES OF SEIZURE, MAINTENANCE OF  
9 CUSTODY, ADVERTISING, AND COURT COSTS, ANY MONEY RECEIVED FROM THE SALE  
10 OR CONVEYANCE OF THE FORFEITED MOTOR VEHICLE SHALL BE DEPOSITED IN THE  
11 CRIMINAL INJURIES COMPENSATION FUND ESTABLISHED IN § 11-819 OF THE  
12 CRIMINAL PROCEDURE ARTICLE.

13     SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
14 effect October 1, 2004.